

THE GRAND JURY
GIVEN ITS WORKReceives the Charge of
Judge Gear this
Morning.MUST TAKE NO LAW
FROM SUPREME COURTThe Principal Business to Pass on
Indictments of Transition Period
Prisoners But Other Matters
Not Barred.

Judge Gear charged the grand jury at the special term of the First Circuit Court this morning. The following grand jurors answered to their names: Henry Waterhouse, Charles T. Wilder, Charles M. Cooke, Philip Moylan, Lanadale, L. Tenney Peck, Chalmers, Charles B. Wilson, P. H. Loucks, E. S. Cunha, Christopher Jones Holt, Josiah T. Crawley, P. H. G. Milleditch, Charles W. Booth, Moses K. Nakulua and Henry de Fries.

R. C. L. Peterson's name being called, the court said he left in the steamer yesterday and was excused for the term.

Judge Gear, when the grand jury had been sworn, stated that instead of delivering a set charge on their duties in general he would quote from Chief Justice Steele of California. The grand jury was to a certain extent an innovation here, although they were all somewhat conversant with the nature of its functions.

Important questions had arisen of late in this community and they had been called together for the reason that certain decisions had been rendered which released prisoners from Oahu jail who were serving sentences for infamous crimes. This court and the United States Court had held that the resolution of annexation conferred on all persons in Hawaii the right of common law jury trial and immunity from prosecution except under indictment by a grand jury. This court would follow United States decisions and there was no doubt the Deputy Attorney General would bring before them all the prisoners who were not indicted by a grand jury and convicted by the unanimous verdict of a petty jury.

Quoting from the California jurist already named, with side comments to fit the local occasion, the court proceeded to say that the jury were an inquisitorial as well as a judicial body. They had a right to inquire into the conduct of public institutions, such as jails, asylums and reformatories. The court did not now direct them to do such things, but if they were brought before them by the Attorney General or other public information it would be their duty to make the investigations. In this subdivision of work they might pursue their inquiries by committees.

If any individual member of the grand jury knew of any crime or public wrong, he might have it brought before the body for investigation. The grand jury was empowered in this country to investigate any dispute between the government and a citizen. They should protect the citizen from unjust accusation. No person could be held for trial for infamous crime except upon indictment of not less than sixteen or more than twenty-three grand jurors.

They had a double duty—to see that a person accused of crime should be brought to trial if there was probable cause, and to prevent the prosecution of a citizen upon mere public clamor. Only legal evidence should be received by them, and might order absent evidence to be produced. An indictment ought not to be found unless in their judgment the evidence would secure conviction by a petty jury.

While inquiring into one offense another might be proved to them, for in-

TOLD BY BULLETINS

Milburn House, Buffalo, N. Y., Sept. 12, 8:45 a. m.—Several of the President's physicians have reached the Milburn house for the morning consultation which was set for a little later than usual as the rain is falling steadily.

Milburn House, Buffalo, Sept. 12.—The following bulletin was issued by the President's physicians at 6:20 a. m.: "The President has had a comfortable night. Pulse, 122; temperature, 100.2."

P. M. RIXEY, Secretary to President, Milburn House, Buffalo, Sept. 12.—The following bulletin was issued by the President's physicians at 9:50 a. m.:

"The President has spent a quiet and restful night and has taken much nourishment. He feels better this morning than at any time. He has taken a little solid food this morning and relishes it. Pulse, 120; temperature, 100.2."

(Signed.) P. M. Rixey, Roswell Park, Hermann Myster, Eugene Wasdin, M. D. Mann, Charles McBurney, George B. Cortelyou, Secretary to the President, Milburn House, Buffalo, Sept. 12.—Dr. McBurney will leave Buffalo at 10 o'clock. He feels perfectly safe in going but expects to return in a few days.

stance perjury. Of if anyone of them had information of crime having been committed, it was his duty to have it investigated.

They should not allow any private prosecutor to appear before them. A preliminary examination before a committing magistrate, where the accused met his accuser face to face, served the ends of justice.

These instructions were given them because there was a widespread impression that the grand jury had survived its usefulness. Here the court quoted the common law maxim that the grand jury was to present no man for malice, fear or revenge, nor to clear any man for influence, favor or wealth.

Their deliberations were to be secret. The Attorney General had a right to present cases before them, but not to be present at their deliberations or voting.

If further instructions were required they were privileged to ask the court for such. They were entitled to the services of an usher, and the court appointed Emil Ney to that office. They might appoint a clerk, themselves. Subpoenas would be issued for witnesses at their request. Any member of the grand jury might interrogate witnesses. An interpreter might be present as well as the Attorney General, but no person should be present when the grand jurors were giving their opinions or taking votes.

In conclusion, Judge Gear said: "You are a part of this court and not of the Supreme Court. Two grand juries, for reasons best known to themselves, took the law from the Supreme Court and in consequence one of those juries had to be discharged. That will not be allowed in this court. You will take your law from this court or from the Deputy Attorney General, of course with the approval of this court."

"Your principal business will be the bringing of indictments against such people in jail now who were convicted of infamous crimes during what has been called the transition period, or the time between July 7, 1898, and August 12, 1900. There will be lots of work for you to do."

"In bringing indictments you are not required to be without a reasonable doubt like a petty jury, as you only hear one side of the case. If you believe that the government evidence, uncontradicted, would result in conviction you are to find a true bill."

"Your hours will be from 10 to 12 and 1:30 to 4, but you may sit longer than that if you wish. You may appoint committees to investigate public institutions or any crime any of you may hear about."

"The court appoints David Kawanaoka as your foreman. You may elect your own clerk. A room will be set apart for you which is to be subject to your orders until you are discharged."

Geo. A. Davis, Deputy Attorney General, at this stage said that he could not act in cases wherein he had appeared as counsel for prisoners in habeas corpus cases before the Supreme Court.

While there was nothing contrary to law in his acting, yet it was doubtful practice. Therefore he would consult the acting Attorney General about such cases.

The Court—You have precedent for going further.

Mr. Davis—But I am not going to follow that. I have made some little reputation for honorable practice here and am getting too old to make a change now.

Usher Ney was then sworn and conducted the grand jury to its room.

For groceries ring up Blue 911.

WILL KEEP OPEN HOUSE.

Both the Myrtle and Healan club houses will be kept open for the accommodation of members and friends on Regatta Day. Music and light refreshments will be furnished at both houses and a welcome extended to all.

Fine Job Printing at the Bulletin office.

MCKINLEY ASKS
FOR A CIGAR

(Associated Press Special.)

MILBURN HOUSE, BUFFALO, SEPT. 12, 11:31 A. M.—THE NEWS FROM THE RESIDE OF THE PRESIDENT IS ALL THAT COULD BE DESIRED. HE SLEPT WELL AND WAS SO MUCH IMPROVED THIS MORNING THAT HE WAS GIVEN A CUP OF COFFEE AND A BOWL OF CHICKEN BROTH. HIS APPETITE AND HIS SPIRITS WERE SO HIGH THAT AFTER HIS BREAKFAST HE ASKED DR. M'BURNEY TO BE ALLOWED TO SMOKE A CIGAR. THE BULLETIN ISSUED AFTER THE MORNING CONSULTATION CONFIRMED OFFICIALLY THE PRIVATE REPORTS OF THE PHYSICIANS AND SURGEONS.

DR. M'BURNEY DECIDED THIS MORNING THAT HIS PRESENCE WAS NO LONGER NECESSARY, AND THAT HE WOULD LEAVE THIS AFTERNOON FOR NEW YORK. BUT IT IS HIS INTENTION TO RETURN IN A FEW DAYS. SECRETARY ROOT WAS ALSO SCHEDULED TO LEAVE AT THE SAME HOUR AND POSTMASTER GENERAL SMITH PROBABLY WILL GO TO WASHINGTON TONIGHT. SECRETARY HITCHCOCK AND SECRETARY WILSON, HOWEVER, WILL REMAIN INDEFINITELY.

CABLE MESSAGES, TELEGRAMS AND LETTERS CONTINUE TO POUR IN. EXPRESSIONS OF PAIN AND GRIEF HAVE GIVEN WAY TO MESSAGES OF CONGRATULATION AND THANKSGIVING, AND THE WHOLE WORLD SEEMS TO SHARE IN THE REJOICING AT THE PROSPECT OF THE PRESIDENT'S RECOVERY.

THE BULLETIN IN THE BODY IS SCARCELY MENTIONED NOW, EITHER BY THE PRESIDENT'S FRIENDS OR THE PHYSICIANS. AS A FACTOR IN THE PRESIDENT'S CONDITION IT IS SEEMINGLY IGNORED. THE CONSENSUS OF OPINION OF THE PHYSICIANS IS THAT THE OUTER WOUND WILL NOT BE HEALED FOR SEVERAL WEEKS AND THAT IT WILL BE ADVISABLE FOR HIM TO REMAIN QUIETLY HERE FOR ABOUT A MONTH. THEY WILL TAKE NO CHANCES. DR. M'BURNEY SAYS THE PRESIDENT'S ABILITY TO SIT UP IS NOW PURELY A QUESTION OF MECHANICS, BUT THAT SUCH A MOVE WILL NOT BE PERMITTED UNTIL THE WOUND IS PERFECTLY STRONG.

ABNER MCKINLEY, THE PRESIDENT'S BROTHER, IS STILL HERE, BUT HAS NOT YET BEEN ADMITTED TO HIS PRESENCE. THE DOCTORS SAY IT WOULD BE SAFE NOW FOR THE PRESIDENT TO SEE AN OCCASIONAL VISITOR BUT THEY DESIRE TO PUT OFF AS LONG AS POSSIBLE THE DAY WHEN HIS FRIENDS AND RELATIVES WILL BE ADMITTED.

Physicians Good Report

(Associated Press Special.)

Milburn House, Buffalo, Sept. 12, 10:57 a. m.—Today, the sixth since President McKinley received the wounds which now prostrate him, opened with a heavy rain and every indication pointed to its continuance during the day. During the late portion of the night no one appeared to be moving about in the Milburn house and the lights were only dimly burning.

The early morning bulletin prepared by Dr. P. M. Rixey, the President's regular physician, who remained with the President all night, showed that he had passed a comfortable night with little change in pulse and temperature from last night's official statement of the President's condition.

About 8 o'clock the doctors arrived for the regular morning consultation. The consultation was brief, the shortest since the President was stricken, and when the physicians came out their elation was evident in their smiling countenances. Dr. Mynter paused after he jumped into his buggy to announce that everything continued eminently satisfactory.

The President has had a piece of toast and a cup of coffee this morning.

SEABURY MARRIES.

Antone Seabury and Miss Emma Hollersen, the defendant and complaining witness in a case that came up before Judge Wilcox a few days ago, were married yesterday and with this event all the past has been wiped out. Mr. Seabury appealed to the Circuit Court when fined by Judge Wilcox but probably now, this case will be settled and Seabury will be able to go about his business as of old. He is a hard working young man and has held very responsible positions in the city to the entire satisfaction of his employers. He is now with Hoffman & Markham at the ice works in Kewalo.

REPELLING BOERS INVASION.

Cape Town, Sept. 12.—The Riversdale district of Cape Colony has been entirely cleared of invaders.

Alleged Boer spies have been arrested at Mosselbay.

The Dordrecht Volunteers surprised a party of Boers near a farmhouse and ordered them to surrender. The Boers refused and the British opened fire, wounding General Smuts and other Boers and killing Captain Arbendoff. General Smuts succeeded in making his escape.

THOMPSON GAINS

Players—	Vote.
GORMAN.....	6,139
ROBERTSON.....	5,734
THOMPSON.....	3,173
LESLIE.....	978
HERRICK.....	852
MOSSMAN.....	811
CHILLINGWORTH.....	413
MAHUKA.....	381
JACKSON.....	357
BABBITT.....	355
JOY.....	352
WILLIAMS.....	311
DAYTON.....	209
GLEASON.....	193
BROWN.....	167
KAAI.....	152
BOWERS.....	151
SHELDON.....	53
WRIGHT.....	52
LOUIS.....	47
GAY.....	47
BULLOCK.....	42
SIMMONS.....	36
MOORE.....	29
FREITAS.....	23
LUCAS.....	20
WELSH.....	18
MARCALLINO.....	13
RICHARDSON.....	14
SCATTERING.....	123

GRAND PRIX FOR HAWAII

The Grand Prix which was awarded to the Territory of Hawaii for the excellence of its educational exhibit at the Paris Exposition, arrived by the steamer yesterday and was received by the Commissioner of Public Instruction, this morning. It is the very finest medal of the kind that has ever been the fortune of the Islands to secure. On one side is the head of the Republic with the words Republique Francaise. Exposition Universelle Nationale. 1900. On the other side is a figure of victory carrying a laurel wreath and a torch in its hand.

HOSPITAL RENOVATED

NEW DOCTOR HAS PLACE
MADE MORE CHEERFULPorto Ricans Are Taxing Resources—
Institution Maintained to Tide
Over Until Home is
Built.

At the hands of the new physician, Dr. A. N. Sinclair, the Hospital for Incurables has undergone a vigorous cleansing. The walls have been whitewashed and the internal appearance generally enhanced in cheerfulness.

There has also been some change in the staff, including the employment of a skillful male nurse who attends to the dressing of wounds and sores, besides the general management under Dr. Sinclair.

The average number of patients in the hospital is 22 and the cost of maintenance is \$500 a month, part of which comes from the government and the balance from private subscriptions.

S. E. Damon, treasurer of the institution, said to a reporter:

"The object of keeping the hospital going is simply to tide over the cases of sufferers until the Home for Incurables association has built its hospital, although there is no connection between the two institutions."

"We have been bothered a good deal lately by Porto Ricans who are brought here with incurable diseases. They have absolutely no means of support, not even money enough to pay for their coffins when they die. In one case a planting agency is guaranteeing the cost of coffins, which is not a small item for our limited resources."

"The directors of the hospital have under consideration the question of making it a condition of receiving Porto Ricans that the plantation sending them to the hospital shall become responsible for their maintenance."

"Americans, Germans, Hawaiians, Japanese, Porto Ricans, Portuguese, Norwegians and Swedes are represented among the patients."

Chillingworth Back.

Deputy Sheriff Chillingworth returned from Wailua in the morning train, after a hard day's work at that place. Yesterday he appeared as the prosecuting officer in the case of Shimoda Shintaro, charged with selling different kinds of liquor than that mentioned in his license. The Japanese was found guilty and sentenced to pay a fine of \$100 and costs. Mr. Chillingworth has other cases at Wailua to attend to.

London, Sept. 12.—The United States Ambassador, Mr. Choate, has received the following dispatch from Fredensborg under today's date:

"I am most grateful for the President's message and am rejoiced to hear that his condition steadily improves."

(Signed) EDWARD R.

Women are such a puzzle to men because they are such a puzzle to themselves. There is a certain way a girl fixes a lamp when a man is coming to call on her which she calls "just enough lit."—Atlanta Constitution.

BREWER & CO. REGAIN
CONTROL OF ONOMEAAbout a Year Ago it Was
Bought By Coast
Financiers.DEAL MADE QUIETLY IN
SAN FRANCISCO RECENTLYStock Bought at a Much Smaller Figure
than it Sold to Pollitz
& Company
For.

The controlling interest of Onomea plantation has again changed hands, it is now with C. Brewer & Co., having been purchased here and on the Coast for a great deal less than it was sold about a year ago.

Mr. George H. Robertson, manager of C. Brewer & Co. here, stated this morning that the report of the passing of the control of Onomea was correct. While he did not feel at liberty to state on what terms the deal had been made, he would state that C. Brewer & Co. and friends now held the controlling interest.

It is understood on good authority that where the stock was sold to Pollitz & Co. and other San Francisco parties some time ago, at the rate of \$137.50 a share, it was bought back at the rate of \$115 per share. The plantation is capitalized at \$1,000,000 and the stock is now of a par value of \$20. At this rate, where Pollitz & Co. bought for \$27.50, they sold back for \$23. The transaction of the repurchase of the controlling interest involved a sum of money in the neighborhood of \$575,000.

As a result of the work of the manipulations to regain a control, the price of Onomea has not fallen as low as other Hawaiian securities on the Coast.

PURSER JEROME IS
IN CHINA AGAIN

The steamer China arrived from San Francisco this morning after a leisurely trip of six and a half days. Her experience with wind and weather was of the best and the vessel traveled over a sea that was as smooth as glass most of the way.

Her cabin passengers for this port were many, among them being several well known here. As the China will have to take on a great quantity of coal at this port, she will not sail until tomorrow, at five in the morning. She left San Francisco about half an hour after the Ventura and so besides late Associated press dispatches did not bring much news or mail.

Purser Jerome of the China returned in the vessel this morning after a very pleasant vacation trip home. He lay off last trip of the steamer and went East, where he had not been for eight years. He says it made him feel like a boy again to get among his old companions, and on account of the good time he had it made him feel reluctant to return to duty. He was about town hunting up old friends this morning.

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